

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF MONTGOMERY, VIRGINIA HELD ON THE 11th DAY OF APRIL, 2011 AT 6:30 P.M. IN THE BOARD CHAMBERS, MONTGOMERY COUNTY GOVERNMENT CENTER, 755 ROANOKE STREET, CHRISTIANSBURG, VIRGINIA:

PRESENT:	James D. Politis	-Chair
	William H. Brown	-Vice Chair
	Mary W. Biggs	-Supervisors
	Gary D. Creed	
	Doug Marrs	
	John A. Muffo	
	Annette S. Perkins	
	F. Craig Meadows	-County Administrator
	L. Carol Edmonds	-Assistant County Administrator
	Martin M. McMahon	-County Attorney
	Brian Hamilton	-Economic Development Director
	Vickie L. Swinney	-Secretary, Board of Supervisors

CALL TO ORDER

The Chair called the meeting to order.

INTO CLOSED MEETING

On a motion by William H. Brown, seconded by Mary W. Biggs and carried unanimously,

BE IT RESOLVED, The Board of Supervisors hereby enters into Closed Meeting for the purpose of discussing the following:

Section 2.2-3711 (5) Discussion Concerning a Prospective Business or Industry or the Expansion of an Existing Business or Industry Where No Previous Announcement Has Been Made of the Business or Industry's Interest in Locating or Expanding Its Facilities in the Community.

1. Project # 2011-017

- (1) Discussion, Consideration or Interviews of Prospective Candidates for Employment; Assignment, Appointment, Promotion, Performance, Demotion, Salaries, Disciplining or Resignation of Specific Officers, Appointees or Employees of Any Public Body

1. Agency on Aging
2. Workforce Investment Board

The vote on the foregoing motion was as follows:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT DURING VOTE</u>
Gary D. Creed	None	Annette S. Perkins
William H. Brown		
Mary W. Biggs		
Doug Marrs		
John A. Muffo		
James D. Politis		

OUT OF CLOSED MEETING

On a motion by Mary W. Biggs, seconded by William H. Brown and carried unanimously,

BE IT RESOLVED, The Board of Supervisors ends their Closed Meeting to return to Regular Session.

The vote on the foregoing motion was as follows:

<u>AYE</u>	<u>NAY</u>
Annette S. Perkins	None
William H. Brown	
Mary W. Biggs	
Doug Marrs	
John A. Muffo	
Gary D. Creed	
James D. Politis	

CERTIFICATION OF CLOSED MEETING

On a motion by Mary W. Biggs, seconded by Doug Marrs and carried unanimously,

WHEREAS, The Board of Supervisors of Montgomery County has convened a Closed Meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of the Virginia Freedom of Information Act; and

WHEREAS, Section 2.2-3711 of the Code of Virginia requires a certification by the Board that such Closed Meeting was conducted in conformity with Virginia law.

NOW, THEREFORE, BE IT RESOLVED, That the Board of Supervisors of Montgomery County, Virginia hereby certifies that to the best of each member's knowledge (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies, and (ii) only such public business matters as were identified in the motion conveying the closed meeting were heard, discussed or considered by the Board.

VOTE

AYES

William H. Brown
Mary W. Biggs
Doug Marrs
John A. Muffo
Gary D. Creed
Annette S. Perkins
James D. Politis

NAYS

None

ABSENT DURING VOTE

None

ABSENT DURING MEETING

None

INVOCATION

A moment of silence was led by the Chair.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was recited.

DELEGATION

Virginia Department of Transportation

David Clarke, Residency Maintenance Manager, provided an update on road/issues in Montgomery County. Mr. Clarke reported that VDOT is gearing up for their spring scheduled which includes pothole patching and paving/resurfacing.

VDOT is still working on several County Revenue Sharing Projects as follows: Craig Creek Road (SR 621), Stanley Road (SR 667) and Willis Hollow Road (SR 609).

Mr. Clarke reported that VDOT is working on several large projects in Montgomery County as follows:

1. **Truck Climbing Lane – Interstate 81**

A truck climbing lane is being constructed on the southbound lane of I-81 from mile post 120 to milepost 125 near Christiansburg. Southbound I-81 crosses over Route 641 (Den Hill Road) and the Norfolk Southern railroad tracks south of mile marker 121. The existing southbound bridge will be replaced to incorporate one additional lane and increase the shoulder width to meet current interstate standards. Route 636 (Seneca Hollow Road and Friendship Road) are two-lane roadways that cross over I-81 twice, once at mile marker 123 and once at mile marker 124.9. These two bridges will be reconstructed to allow for the additional lane. The total estimated cost for a truck climbing lane on southbound Interstate 81 from mile marker 120 to mile marker 125 is \$75.4 million. The project is estimated to be completed in the Fall of 2013.

2. **Route 114 Westbound Bridge**

This project will replace the old, damaged Route 114 westbound bridge over the New River. A \$14.9-million contract was awarded to Wright Brothers Construction Co. Inc. from Charleston, Tenn. The contract was awarded in January 2011. Estimated completion is in November 2014.

PUBLIC ADDRESS

Barbara Skinner expressed concerns with the School Board budget and their request for additional funding to cover the cost for an outside firm to provide redistricting plans County wide for the school districts. Ms. Skinner also expressed concerns with the proposed tax increase and urged the Board to reduce spending.

Kathleen Kincaid expressed concerns with a real estate tax increase and believes the County has a spending problem. Ms. Kincaid urged the Board not to increase the real estate tax rate this year.

There being no further speakers, the public address session was closed.

CONSENT AGENDA

On a motion by Doug Marrs, seconded by William H. Brown and carried unanimously, the Consent Agenda dated April 11, 2011 was approved.

The vote on the foregoing motion was as follows:

<u>AYE</u>	<u>NAY</u>
Mary W. Biggs	None
Doug Marrs	
John A. Muffo	
Gary D. Creed	
Annette S. Perkins	
William H. Brown	
James D. Politis	

A-FY-11-83 CLERK OF CIRCUIT COURT

On a motion by Doug Marrs, seconded by William H. Brown and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the General Fund was granted an appropriation in addition to the annual appropriation for the fiscal year ending June 30, 2011, for the function and in the amount as follows:

251	Clerk of Circuit Court	\$70
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The source of the funds for the foregoing appropriation is as follows:

<u>Revenue Account</u>	
02250-423100 Shared Expenses	\$70

Said resolution appropriates Technology Trust fund monies to cover information technology support.

A-FY-11-84 COMMONWEALTH'S ATTORNEY FORFEITED ASSET SHARING PROGRAM

On a motion by Doug Marrs, seconded by William H. Brown and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the General Fund was granted an appropriation in addition to the annual appropriation for the fiscal year ending June 30, 2011, for the function and in the amount as follows:

200	Commonwealth's Attorney	\$228
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The source of the funds for the foregoing appropriation is as follows:

<u>Revenue Account</u>	
419104	Confiscations
	\$228

Said resolution appropriates monies received as part of the Forfeited Asset Sharing Program from the Department of Criminal Justice Services.

**A-FY-11-85
SHERIFF
RECOVERED COSTS**

On a motion by Doug Marrs, seconded by William H. Brown and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the General Fund was granted an appropriation in addition to the annual appropriation for the fiscal year ending June 30, 2011, for the function and in the amount as follows:

320	Sheriff County	\$1,071
322	Sheriff Project Lifesaver	<u>\$ 135</u>
	Total	\$1,206

The sources of the funds for the foregoing appropriation are as follows:

<u>Revenue Account</u>	
419108	Recovered Costs
424401	Project Lifesaver
	Total

	\$1,071
	<u>\$ 135</u>
	\$1,206

Said resolution appropriates recovered costs and Project Lifesaver funds for use by the Sheriff's Office.

**A-FY-11-86
PARKS AND RECREATION
TRANSFER FROM GENERAL CONTINGENCIES
ELLETT VALLEY LOOP TRAIL**

On a motion by Doug Marrs, seconded by William H. Brown and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that a transfer of appropriation is hereby authorized, as follows:

<u>FROM:</u>	
950	General Contingencies
	(\$3,800)

TO:
700 Parks and Recreation \$3,800

Said resolution transfers appropriated funds from General Contingencies to the Parks and Recreation Department for costs associated with the Ellett Valley Loop Trail.

A-FY-11-87
COUNTY CAPITAL PROJECTS
PARKS AND RECREATION REVITALIZATION PROJECT

On a motion by Doug Marrs, seconded by William H. Brown and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the General Fund was granted an appropriation in addition to the annual appropriation for the fiscal year ending June 30, 2011, for the function and in the amount as follows:

451209 Transfer to County Capital Projects \$20,000

The source of funds for the foregoing appropriation is as follows:

451205 Designated Fund Balance
Facilities and Maintenance Reserve \$20,000

BE IT FURTHER RESOLVED, The County Capital Projects fund was granted an appropriation in addition to the annual appropriation for the fiscal year ending June 30, 2011 for the function and in the amount as follows:

127003PR Parks Revitalization Project \$20,000

The source of funds for the foregoing appropriation is as follows:

451100 Transfer from General Fund \$20,000

Said resolution appropriates funds from the Facilities and Maintenance Reserve to the Parks Revitalization Capital Project for the purchase of a utility vehicle for the maintenance of the parks and trails.

A-FY-11-88
TRANSFER FROM COUNTY CAPITAL PROJECTS
OLD BLACKSBURG MIDDLE SCHOOL

On a motion by Doug Marrs, seconded by William H. Brown and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the General Fund was granted an appropriation in addition to the annual appropriation for the fiscal year ending June 30, 2011, for the function and in the amount as follows:

451209	Transfer to County Capital Projects	\$325,000
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The sources of funds for the foregoing appropriation are as follows:

451205	Designated Fund Balance	
	- Capital Reserve	\$275,642
	- Facilities and Maintenance Reserve	<u>\$ 49,358</u>
	Total	\$325,000

BE IT FURTHER RESOLVED, The County Capital Projects fund was granted an appropriation in addition to the annual appropriation for the fiscal year ending June 30, 2011 for the function and in the amount as follows:

128101BB	Old Blacksburg Middle School	\$325,000
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The source of funds for the foregoing appropriation is as follows:

451100	Transfer from General Fund	\$ 325,000
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Said resolution appropriates funds from the Capital and Facilities & Maintenance Reserves for demolition of the Old Blacksburg Middle School.

A-FY-11-89
CUSTOMER PREMISE EQUIPMENT PROJECT
RE-APPROPRIATION OF GRANT FUNDING

On a motion by Doug Marrs, seconded by William H. Brown and carried unanimously,

BE IT RESOLVED, By the Montgomery County Board of Supervisors that the General Fund was granted an appropriation in addition to the annual appropriation for the fiscal year ending June 30, 2011, for the function and in the amount as follows:

141	Information Technology Grants	
	Customer Premise Equipment	\$740,363

The sources of the funds for the foregoing appropriation are as follows:

<u>Revenue Account</u>	
424401	State Grants \$337,494
451205	Fund Balance <u>\$402,868</u>
	Total \$740,363

Said resolution re-appropriates Virginia Information Technologies Agency funding for the Customer Premise Equipment Project.

A-FY-11-90
COMPREHENSIVE SERVICES ACT
SUPPLEMENTAL APPROPRIATION

On a motion by Doug Marrs, seconded by William H. Brown and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the General Fund was granted an appropriation in addition to the annual appropriation for the fiscal year ending June 30, 2011, for the function and in the amount as follows:

510	Comprehensive Services Act	\$472,884
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The sources of the funds for the foregoing appropriation are as follows:

<u>Revenue Account</u>		
02510-424445	Comprehensive Services Act	\$392,845
02510-419108	Recovered Costs	<u>\$ 80,039</u>
	Total	\$472,884

BE IT FURTHER RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that a transfer of appropriation is hereby authorized, as follows:

<u>FROM:</u>		
960	Special Contingencies	(\$50,000)
 <u>TO:</u>		
510	Comprehensive Services Act	\$50,000

Said resolution appropriates and transfers funds to cover the increased costs incurred through the Comprehensive Services Act.

R-FY-11-102
RESOLUTION TO REPLACE THE
AN ORDINANCE AMENDING ARTICLE IV, CHAPTER 8,
ENTITLED SUBDIVISION OF THE CODE
OF THE COUNTY OF MONTGOMERY, VIRGINIA,
SECTIONS 8-111, 8-136, 8-137, 8-150,8-152, 8-153, 8-171, 8-173, 8-174 AND 8-201

On a motion by Doug Marrs, seconded by William H. Brown and carried unanimously,

BE IT RESOLVED, The Board of Supervisors hereby replaces ORD-FY-11-11, Entitled “Ordinance amending Article IV, Chapter 8, Entitled Subdivision of the Code of the County of Montgomery, Virginia, Sections 8-111, 8-136, 8-137, 8-150,8-152, 8-153, 8-171, 8-173, 8-174 and 8-201” dated March 14, 2011 with the correct amended ordinance as follows:

AN ORDINANCE AMENDING CHAPTER 8 ENTITLED PLANNING AND DEVELOPMENT ARTICLE IV ENTITLED SUBDIVISIONS SECTIONS 8-111, 8-136, 8-137, 8-150, 8-152, 8-153, 8-171, 8-173, 8-174 RESPECTIVELY AND ARTICLE V, ENTITLED STREET NAMES; NUMBERS FOR HOUSES AND LOTS SECTION 8-201, OF THE CODE OF THE COUNTY OF MONTGOMERY, VIRGINIA, BY AMENDING THE DEFINITION OF REMAINDER, FAMILY SUBDIVISION AND SUBDIVISION MAJOR; BY ADDING THE DEFINITION OF FLOOD PRONE AREA; BY REQUIRING ADDITIONAL FEES FOR THE REVIEW OF PLATS; BY REQUIRING PLANNING COMMISSION AND BOARD OF SUPERVISOR APPROVAL OF EXTERIOR BOUNDARY LINE CHANGES THAT COULD RESULT IN ADDITIONAL LOTS; BY DECREASING THE AMOUNT OF SURETY FOR BONDING SUBDIVISION IMPROVEMENTS; BY REQUIRING VDOT REVIEW AND APPROVAL OF ANY PLAT SHOWING A PRIVATE ACCESS EASEMENT SERVING MORE THAN TWO LOTS; BY REQUIRING WHERE PRIVATE ON-SITE SEWAGE DISPOSAL SYSTEMS IN FAMILY AND MINOR SUBDIVISION MAY BE LOCATED; BY AMENDING WHEN A SUBDIVISION DOES NOT REQUIRE A SURVEY AND WHAT INFORMATION IS REQUIRED ON THE SKETCH WHICH IS PROVIDED IN LIEU OF THE SURVEY; BY INCREASING THE NUMBER OF COPIES OF A PRELIMINARY PLAT TO BE SUBMITTED AND BY ADDING ADDITIONAL INFORMATION TO BE NOTED ON PRELIMINARY AND FINAL PLATS; BY INCREASING THE TIME PERIOD A PRELIMINARY PLAT IS VALID; BY REQUIRING THE SUBMISSION OF A DIGITAL COPY OF THE FINAL PLAT; AND BY INCORPORATING THE COUNTY STREET NAMING POLICY INTO THE SUBDIVISION ORDINANCE

BE IT ORDAINED, by the Board of Supervisors of the County of Montgomery, Virginia, that Chapter 8, entitled Planning and Development, Article IV, entitled Subdivisions, Sections 8-111, 8-136, 8-137, 8-150, 8-152, 8-153, 8-171, 8-173, 8-174 respectively, and Article V entitled Street Names; Numbers For Houses and Lots, Section 8-201 of the Code of the County of Montgomery, Virginia, shall be amended and reordained as follows:

ARTICLE IV. SUBDIVISIONS

Sec. 8-111. Definitions.

For the purposes of this article certain words and terms used herein shall be interpreted or defined as follows: Words used in the present tense include the future, words in the singular number include the plural and the plural the singular, unless the natural construction of the word indicates otherwise; the word "shall" is mandatory and not directory; the word "approve" shall be considered to be followed by the words "or disapproved"; any reference to this article includes all ordinances amending or supplementing the same; all distances and areas refer to measurement in a horizontal plane:

Agent means the representative of the board of supervisors who has been appointed to serve as the agent or coagent of the board in approving the subdivision plats.

Board or board of supervisors means the Montgomery County board of supervisors.

Bond means an undertaking by an insurance company (bonding company) licensed to do business in the state guaranteeing that a subdivider will perform certain acts as regards the construction and maintenance of required improvements.

Building setback means the minimum distance that a building must be set back from a lot line.

Commission or planning commission means the Montgomery County Planning Commission.

Construction plan means the maps or drawings accompanying a subdivision plat and showing the specific location and design of improvements to be installed in the subdivision in accordance with the requirements of this article as a condition of the approval of the plat.

Cul-de-sac means a street with only one (1) outlet and having an appropriate turnaround area for a safe and convenient reverse traffic movement.

Easement. The definition of "easement" shall be deemed that recognized by law.

Engineer shall mean a professional engineer licensed for practice under Chapter 4, Title 54.1 Code of Virginia.

Escrow account means a deposit of cash or a certified check with the local government in lieu of actual construction and maintenance of required improvements as specified in this article.

Flood prone area means any land area susceptible to being inundated by water from any source.

Improvement means any street, street sign, drainage ditch, water line, sewer line, park or other facility.

Jurisdiction means the area or territory subject to the legislative control of a local government.

Letter of credit means an irrevocable guarantee of payment sufficient to cover the cost of constructing and maintaining required improvements, if the subdivider fails to do so.

Local government attorney means an attorney designated by the board of supervisors.

Lot means any parcel of land created by subdivision, including any parcels to be retained by the current owner.

Plat means and includes the terms "map," "plan," "plot," "replat," or "replot." A map or plan of a tract or parcel of land which is to be or which has been subdivided. When used as a verb, "plat" is synonymous with "subdivide."

Public service authority means the county public service authority.

Public sewer system or *public water system* means those public sewer systems or public water systems provided for public use.

Remainder means ~~a one~~ lot of a subdivided property that is not to be offered for immediate sale ~~and that is twenty (20)~~ **thirty five (35)** acres or larger.

Right-of-way. The definition of right-of-way shall be deemed that recognized by law.

Street means a highway, street, avenue, boulevard, road, lane, alley or any way which provides ingress and egress.

Street, private means any street that is unmaintained or is maintained by a private organization or individuals.

Street, public means a street that provides unrestricted ingress and egress by the public, and which is maintained by the Virginia Department of Transportation or by a municipality.

Subdivider means any person, corporation, partnership, or other entity owning any tract, lot or parcel of land to be subdivided.

Subdivision means the division of a parcel of land into two (2) or more lots, tracts, or parcels for the purpose, whether immediate or future, of transfer of ownership or building development.

Subdivision, family, means a single division of a lot or parcel for the purpose of a sale or gift to a member of the immediate family. **For the purpose of this subsection, a member of the**

immediate family is defined as any person who is naturally or legally defined as offspring, stepchild, spouse, sibling, grandchild, grandparent, or parent, (as defined by the Code of Virginia) of the property owner.

Subdivision, major means any subdivision that:

- (1) Creates eleven (11) or more lots or tracts;
- (2) Requires construction of a new street; or
- (3) Requires a **new** private access easement, serving a total of four (4) or more lots or tracts.

Subdivision, minor means any subdivision consisting of ten (10) or fewer lots or tracts and which does not require construction of a new street and which does not require a private access easement serving a total of four (4) or more lots or tracts.

Surveyor means a land surveyor licensed for practice under Chapter 4, Title 54.1 Code of Virginia.

Traffic impact statement means a statement that assesses the impact of a proposed development on the transportation system and recommends improvements to lessen or negate those impacts. The traffic impact statement shall (1) identify any traffic issues associated with access from the site to the existing transportation network; (2) outline solutions to potential problems; (3) address the sufficiency of the future transportation networks and (4) present improvements to be incorporated into the proposed development. The traffic impact statement shall comply with the requirements contained in the Virginia Department of Transportation Traffic Impact Analysis Regulations, Chapter 155, 24 VAC 30-155-60. If a traffic impact statement is required, data collection shall be by the developer or owner and the developer or owner shall prepare the traffic impact statement. The developer or owner shall be responsible for paying all the applicable fees charged by VDOT.

Zoning ordinance means the zoning ordinance of the county.

Sec. 8-136. Platting fees.

There shall be a charge for the examination and approval or disapproval of every plat reviewed. **For plats requiring street naming and signage additional fees shall be charged, in accordance with Section 8-201 of the Montgomery County Code, in the amount set by ordinance of the board of supervisors.** At the time of filing the preliminary plat, the subdivider shall ~~deposit with the agent checks payable~~ **pay the required fees** to the treasurer of the county in the amount set from time to time by ~~resolution~~ **ordinance** of the board of supervisors.

Sec. 8-137. Vacation or relocation of boundary lines.

The agent may approve the relocation or vacation of boundary lines of any lot or parcel of land in a properly recorded plat of subdivision or resubdivision, provided such action does not involve the relocation or alteration of streets, alley, easements for public passage or other public areas, and provided further that no easement or utility rights-of-way shall be relocated or altered without the express consent of all persons holding any interest therein, **or in cases where a revision is proposed to the exterior boundary lines of an approved and recorded major subdivision which could result in the creation of additional lots.**

The agent shall not use this provision to increase the total number of lots in the subdivision or resubdivision above the number originally approved under the regulations and standards of this article.

The Planning Commission shall review any subdivision plat resulting in a revision to the exterior boundary lines of an approved and recorded major subdivision, where the revision could result in the creation of additional lots. The board of supervisors shall approve with modifications or disprove such plans after a recommendation has been provided by the planning commission.

Sec. 8-150. Generally.

(a) All improvements required by the provisions of this article for a subdivision as platted shall be installed thereon and therein at the expense of the subdivider, his successors and assigns, and pending such installation thereof and acceptance thereof for the purpose of maintenance by a governmental entity, the subdivider, his successors and assigns shall furnish, prior to approval of the final plat, an irrevocable and continuing bond, escrow account or letter of credit in an amount approved by the agent, equal to one hundred ~~twenty five (125)~~ **ten (110)** percent of the estimated costs of such improvements calculated pursuant to all applicable standards, with corporate surety with a company authorized to do business in the state or other equivalent security acceptable to the agent guaranteeing that the required improvements will be properly completed and maintained as required by this article. This amount is intended to cover the estimated cost of construction and administrative costs to the county. In lieu of posting a bond, escrow account or letter of credit to cover construction costs, the subdivider may construct required improvements prior to approval of the final plat. A bond for maintenance costs may still be required.

(b) The subdivider shall provide an estimate of the total costs of necessary improvements, certified by a licensed engineer. If the subdivider's bond, escrow account or letter of credit is to be renewed for an additional period of time, the agent may require a new estimate certified by a licensed engineer.

(c) In cases where specifications have been established by local ordinances and codes, such specifications shall be followed. The subdivider's bond, escrow account or letter of credit shall not be released until construction has been inspected and approved by the agent and/or the county engineer. Any improvements intended for ownership and maintenance by an agency or public utility must have been approved and accepted by the appropriate agency or public utility prior to the release. A partial release may be granted as provided for under section 8-188.

Sec. 8-152. New streets.

(a) *Public streets.* New public streets are permitted in all subdivisions. Public streets shall be designed and constructed in accordance with the minimum standards of the Virginia Department of Transportation, except that the surface pavement layer shall be asphalt concrete. All site related improvements required by VDOT or the county for vehicular ingress and egress, including but not limited to traffic signalization and control shall also be designed and constructed in accordance with the minimum standards of Virginia Department of Transportation. Street construction plans must be approved by the Virginia Department of Transportation prior to approval of the final plat.

(b) *Private streets.* In order to promote efficient utilization of land, or to reduce the number of access points to public streets, the board of supervisors may permit construction of private streets

so long as such streets are not likely to inhibit future development of adjacent land. Private streets may be permitted in the following types of developments:

(1) *Commercial or industrial developments.* Approval will be based upon review of an access plan that shall include construction specifications, as well as a maintenance plan or agreement.

(2) *Townhouse developments.* Streets shall be surfaced with bituminous concrete. Approval will be based upon review of an access plan that shall include construction and pavement specifications, as well as a maintenance plan or agreement.

(3) *Single-family housing developments.* Private streets may be permitted only if the subdivision has a median lot size of three (3) acres or greater, and a length of street per lot ratio of one hundred fifty (150) feet per lot or greater. Such streets shall have a maximum grade of eighteen (18) percent and a minimum width of all-weather surface or pavement of eighteen (18) feet. Approval will be based upon review of an access plan that shall include construction specifications, as well as a maintenance plan or agreement.

(bb) *Private access easements.* Private access easements at least forty (40) [feet] in width providing ingress and egress to a dedicated recorded public street may be permitted in the Agricultural A-1 zoning district and private access easements at least twenty (20) feet in width providing ingress and egress to a dedicated recorded public street may be permitted to serve a family subdivision subject to the following:

(1) Any private access easements serving a total of three (3) or less lots or tracts shall be constructed with an all-weather surface **and named for E-911 purposes.**

(2) Any private access easements serving a total of four (4) or more lots or tracts shall be reviewed and constructed in accordance with the provisions of this article for private streets in single-family housing developments.

(3) Any plat showing a private access easements serving three (3) or more lots or tracts shall be reviewed and signed, by the Virginia Department of Transportation prior to the approval of the final plat.

(bbb) *[Ingress and egress.]* Any and all streets and private access easements providing ingress and egress that are not constructed to meet the standards necessary for inclusion in the system of state highways shall be privately maintained and shall not be eligible for acceptance into the system of state highways unless improved to current department of transportation standards with funds other than those appropriated by the general assembly and allocated by the commonwealth transportation board. A note shall be placed on all plats and deeds of subdivisions when a subdivision is served by a private street and/or a private access easement advising that the streets and access easements are not eligible for maintenance or improvements with funds allocated by either the General Assembly of Virginia or the commonwealth transportation board as required by section 8-173 and 8-174.

(c) *Cul-de-sac.* Dead-end streets shall have cul-de-sac-type turnarounds at their ends, with radius equal to the right-of-way width. Dead-end streets shall serve no more than thirty-five (35) dwelling units, unless the board of supervisors determines that terrain or other factors dictate otherwise.

(d) *Access.* New subdivisions shall have access to a street dedicated to the public or to a street shown upon a plat approved by the agent and recorded in the office of the clerk of the appropriate court.

(e) *Street identification signs.* Street identification signs of a design approved by the agent shall be installed at all intersections by the subdivider.

- (f) *Reserve strips.* There shall be no reserve strips controlling access to streets.
- (g) *Alignment and layout.* The arrangement of streets in new subdivisions shall make provision for the continuation of existing streets in adjoining areas. The street arrangements must be such as to cause no unnecessary hardship to owners of adjoining property when they plat and seek to provide for convenient access to their own land. Where, in the opinion of the board of supervisors, it is desirable to provide for street access to adjoining property, proposed streets shall be extended by dedication to the boundary line of such property. Half streets along the boundary of land proposed for subdivision are not to be permitted. Streets shall be related appropriately to the topography. Whenever possible, streets should intersect at right angles.
- (h) *Traffic Impact Statement.* The subdivider shall submit with its request for a subdivision a traffic impact statement when the proposed development substantially affects transportation on state-controlled highways as defined by the Virginia Department of Transportation Traffic Impact Analysis Regulations Chapter 155, 24 VAC 30-155, et seq. The data and analysis contained in the traffic impact statement shall be acceptable to VDOT and comply with VDOT Traffic Impact Analysis Regulations 24 VAC 30-155-60 and this article. The subdivider shall submit to the agent three (3) copies of the traffic impact statement and a check made payable to VDOT to cover the review fees charged by VDOT to review the traffic impact statement. The agent shall forward the traffic impact statement along with the review fees provided by the subdivider to VDOT within ten (10) business days of receipt of a complete subdivision proposal.

Sec. 8-153. Water and sewage facilities.

- (a) If the boundary of the subdivision lies within two hundred (200) feet of a public water or public sewer system, the subdivider shall make the necessary improvements to connect all lots to such systems; provided that any necessary easements can be secured either by the subdivider or the utility, and that the public utility has the capacity needed to serve the subdivision. The board of supervisors may permit an exception to this requirement if connection to a public system can only be achieved by crossing a highway, railway, or stream or by connection to a force main sewer line. If the subdivider intends to provide a private water system or private sewer system, the subdivider shall submit construction plans and specifications therefore, and such shall be subject to the bond and other security provisions guaranteeing construction and maintenance provided elsewhere in this article. All construction plans must be approved by the appropriate agency prior to the approval of the final plat.
- (b) If there are no plans to extend public sewer or approved private sewer to the subdivision, the agent or the board of supervisors shall not approve the final plat until the subdivider provides a written statement from the health department certifying the suitability of the subdivision for private on-site sewage disposal systems. Such certification shall state that soil evaluations have been performed and that each lot to be served by a private on-site sewage disposal system meets health department requirements for such a system. The following types of lots are exempt from this requirement:
- (1) Remainders, as defined in this article;
 - (2) Lots intended to contain only an existing structure with an existing approved septic system; and
 - (3) Lots that are to be used only for special purposes that do not require human presence, such as power substations, radio towers, pump stations, etc. A note shall be included on the plat to specify the use of such a lot and to state that it is not approved for construction of any occupied structure.

~~(bb)~~(c) When private on-site sewage disposal systems are used in major subdivisions, each private system shall be located either within the lot it intends to serve or within green space set aside under compact development option of the zoning ordinance.

(cc) When private on-site sewage disposal systems are used in family or minor subdivisions, each system shall be located within the lot it intends to serve, within green space set aside under compact development option of the zoning ordinance, or shall have deeded access for the purpose of maintaining the sewage disposal system. Easement for access and maintenance should be delineated on the face of the plat and should extend from the drainfield which it serves to the property line separating the two properties.

~~(e)~~ (d) Within flood prone areas all public water systems and public sewer systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems and discharges from the systems into floodwaters. On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

Sec. 8-171. Generally.

(a) All preliminary and final plats shall be approved or disapproved by the agent, the planning commission, or the board of supervisors in accordance with the provisions of § 15.2-2258 **and 2259** of the Code of Virginia. In the event that approval of a feature or features of a plat by a state agency is necessary, the agent shall forward the subdivision submission within ten (10) business days of receipt of a completed submission and applicable VDOT fees to the appropriate state agency or agencies for review. Requirements for review including time limitations shall be in accordance with the provisions of § 15.2-2222.1 and § 15.2-2260 of the Code of Virginia, as applicable. Upon approval of a final plat, the agent or the chairman of the board of supervisors and the chairman of the planning commission shall sign the plat before it is recorded.

(b) All plats and surveys shall conform to the standards and procedures for land boundary surveying, as adopted by the board for architects, professional engineers, land surveyors and landscape architects, pursuant to the Code of Virginia.

(c) A survey of the land to be subdivided, showing the number, area, and dimensions of all lots, is required for all subdivisions except that in subdivisions where one (1) lot of **thirty five (35)** ~~twenty (20)~~ acres or larger is not to be immediately conveyed, that one (1) tract shall be considered a "remainder" and need not be included in the survey. However, a sketch map showing the approximate boundaries of the entire property, including the remainder, shall be recorded with the required plat. The sketch map shall have sufficient detail to show ~~that the remainder meets minimum road frontage requirements and shall also give the approximate acreage of the remainder~~ **the following:**

1. **That the remainder meets the minimum road frontage requirements for the zoning district.**
2. **The approximate acreage of the remainder parcel.**
3. **The delineation of any known existing and proposed easements and rights-of-way.**
4. **The location of known existing septic drainfields and reserve areas and private well locations, located by a licensed surveyor.**
5. **The location of existing buildings within 50 feet of any new boundary line.**

Sec. 8-173. Preliminary plat, major subdivisions.

(a) The subdivider shall submit **fifteen (15)** ~~three (3)~~ copies of a preliminary plat to the agent. Preliminary plats must be drawn to scale and shall contain the following items:

(1) When the parcel to be subdivided is located within a previously platted subdivision, the name of such subdivision. When the property is not located within a previously platted subdivision, either the proposed name of the subdivision or the locally known name of the property.

(2) The name and address of the legal owner, date of purchase, previous owner and, if the deed is recorded, deed book and page number and plat book and page number. If the subdivider is other than the owner, the name and address of the subdivider shall also be given. When the legal owner or the subdivider is a corporation, then the name and address of the chief officer of the corporation shall also be given.

(3) The name and address of any surveyor, engineer or other professional involved in the plat design and preparation.

(4) Delineation of any existing and proposed easements and rights-of-way affecting the use of the property.

(5) The location of the proposed subdivision by an inset map at a scale of not less than two (2) inches equal one (1) mile, showing adjoining roads, their names and numbers, towns, subdivisions, true north arrow and other landmarks.

(6) Location of the property by tax parcel map number, parcel ID number, zoning district magisterial district, north arrow, with source of meridian, date of drawing, number of sheets and graphic scale.

(7) Location and dimensions of property lines, location of building setback lines, total acreage, acreage of subdivided area, acreage of dedicated right-of-ways, number and approximate area and frontage of all lots, existing buildings within the boundaries of the tract and names of owners and their property lines within the boundaries of the tract and adjoining such boundaries.

(8) All existing, platted and proposed streets, their names, numbers and widths; existing utility or other easements; public areas; culverts, drains and watercourses and their names; and other pertinent data.

(9) All parcels of land to be dedicated for public use and the conditions of such dedication.

(10) Proposed connections with existing sanitary sewers and existing water supply or alternate means of sewage disposal and water supply.

(11) Provisions for collection and discharging surface drainage.

(12) Location of any lot to be designated as a remainder, as defined in this article.

(13) Any additional data deemed necessary by the agent, such as topography.

(14) Table listing acreage and frontage for each lot.

(15) Table of assignment of lots under sliding scale, if applicable.

(16) Location of lands within the one hundred-year floodplain and base flood elevations when required.

(17) Location of any grave, object or structure marking a place of burial.

(18) Street names and addresses of lots assigned by the County.

(19) Whenever a lot or tract involved in a subdivision is within an agricultural and forestal district a note shall be placed on the plat and on the deeds of subdivision stating "The property depicted hereon lies within an agricultural and forestal district and shall abide by the requirements set forth in section 2-41 of the Montgomery County Code. This property is not eligible for subdivision until (district renewal

date), and shall only be eligible for division if the lot or tract is removed in accordance with Montgomery County Code."

- (20) Whenever a lot or tract involved in a subdivision is within a conservation easement, a notation shall be placed on the plat identifying the lots or tracts affected.
- (21) Whenever a lot or tract involved in a subdivision is within the dam inundation zone, a notation shall be placed on the plat identifying the lots or tracts affected.
- (22) Location of all known drainage easements, utility easements, sewer lines, water lines, gas lines, power lines, manholes, or fire hydrants.
- (23) Whenever a lot or tract involved in a subdivision has a Special Use Permit, Rezoning, or Variance associated a notation shall be placed on the plat identifying the lots or tracts affected. The notation shall provide the date of approval for the Special Use Permit, Rezoning, or Variance with any applicable proffers or conditions listed on the plat.

~~(18)~~ (24) Whenever a subdivision is to be served by private streets or private access easements a note shall be placed on the plat and on the deeds of subdivision stating "The streets and/or private access easements in this subdivision do not meet the standards necessary for inclusion in the system of state highways and shall not be maintained by the department of transportation or the County of Montgomery and are not eligible for rural addition funds or any other funds appropriated by the General Assembly of Virginia and allocated by the commonwealth transportation board".

(b) The agent shall make a recommendation to the planning commission concerning approval or disapproval of the preliminary plat. The commission shall then approve or disapprove the preliminary plat.

(c) The commission shall advise the subdivider in writing of approval or disapproval of the preliminary plat. In the case of disapproval, the commission shall state the reasons for disapproval and notify the subdivider of all changes needed to make the plat acceptable. Approval by the commission of the preliminary plat does not constitute a guarantee of approval of the final plat.

(d) The subdivider shall submit a final plat within ~~one (1)~~ **five (5)** years of the approval of a preliminary plat. Failure to do so shall make the preliminary plat null and void. The commission may, on written request from the subdivider, grant an extension of this time limit.

(e) The approval of a preliminary plat is valid for five (5) years provided a final subdivision plat for all or a portion of the property is submitted and diligently pursued. The five year period shall be based upon the date of the last recorded plat.

Sec. 8-174. Final plat, minor subdivisions and family subdivisions.

(a) The subdivider shall submit two (2) copies of a final plat to the agent along with a digital copy in a GIS or CAD format approved by the Agent.

Each plat shall contain the following items:

- (1) All certifications required by section 8-134;
- (2) A note identifying the plat as either a minor subdivision or a family subdivision;
- (3) Location of all existing easements and any new easements required under the provisions of this article;
- (4) Location of approved septic drainfields and reserve areas and private wells, located by a licensed surveyor. Location of existing dwellings and their septic drainfields and reserve areas;

- (5) Any additional data deemed necessary by the agent, such as topography;
- (6) A space for the agent to sign the plat.
- (7) Table of assignment of lots under sliding scale, if applicable.
- (8) Location of lands within the one hundred-year floodplain.
- (9) Location of any grave, object or structure marking a place of burial.

(10) Street names and addresses of lots assigned by the County.

(11) Whenever a lot or tract involved in a subdivision is within an agricultural and forestal district a note shall be placed on the plat and on the deeds of subdivision stating "The property depicted hereon lies within an agricultural and forestal district and shall abide by the requirements set forth the Montgomery County Code. This property is not eligible for subdivision until (district renewal date), and shall only be eligible for division if the lot or tract is removed in accordance with Montgomery County Code."

(12) Whenever a lot or tract involved in a subdivision is within a conservation easement, a notation shall be placed on the plat identifying the lots or tracts affected.

(13) Whenever a lot or tract involved in a subdivision is within the dam inundation zone, a notation shall be placed on the plat identifying the lots or tracts affected.

(14) Location of all drainage easements, utility easements, sewer lines, water lines, gas lines, power lines, manholes, or fire hydrants.

(15) Whenever a lot or tract involved in a subdivision has a Special Use Permit, Rezoning, or Variance associated a notation shall be placed on the plat identifying the lots or tracts affected. The notation shall provide the date of approval for the Special Use Permit, Rezoning, or Variance with any applicable proffers or conditions listed on the plat.

~~(10)~~ **(16)** Whenever a subdivision is to be served by private streets or private access easements a note shall be placed on the plat and on the deeds of subdivision stating "The streets and/or private access easements in this subdivision do not meet the standards necessary for inclusion in the system of state highways and shall not be maintained by the department of transportation or the County of Montgomery and are not eligible for rural addition funds or any other funds appropriated by the General Assembly of Virginia and allocated by the commonwealth transportation board".

(aa) If a proposed subdivision is using the family exemption provision, in addition to the above requirements, the following must also be included:

(1) A note stating "Approval of this subdivision is subject to the condition that the parcel subdivided can only be conveyed to a member of the immediate family as set forth in Montgomery County's Subdivision Ordinance, as amended, and the Code of Virginia, as amended. Conveyance to any other person or entity not an immediate family member voids approval. This restriction does not apply to subsequent reconveyance".

(2) Signed affidavits that are available in the county planning department stating that the family subdivision is for the passing of real property interest from one family member to another, rather than for the purpose of short-term investment.

(3) A copy of the proposed deed(s) conveying the property from one family member to the other.

(4) A description of the family relationship in the consent statement or the following shown and notarized on the plat: "I _____, do hereby verify that _____ is my legal _____. New tract _____ is being conveyed to _____."

(b) When all requirements of this article have been met, the agent shall sign the plat to indicate that it is approved for recordation.

(c) It shall be the responsibility of the subdivider to file the approved final plat with the office of the clerk of the appropriate court within six (6) months after final approval; otherwise, the agent shall mark such plat "void" and notify the office of the clerk of the appropriate court. At the same time of filing of the final plat, the subdivider shall record the agreement of dedication and such other legal documents as the local government attorney requires to be recorded.

Sec. 8-201. Street names.

(a) All street names within the unincorporated areas of the county shall be approved by the board of supervisors. Proposed streets, which are obviously a continuation of other existing and named streets, shall bear the names of the existing streets. In no case shall the names of proposed streets duplicate existing names, irrespective of the use of the suffix "street," "avenue," "boulevard," "driveway," "place," "lane" or "court." Street names shall be indicated on all plats of survey. Names of existing streets shall not be changed except by approval by the board of supervisors.

(b) The names of the streets as shown on the official map of Montgomery County, as adopted by the board of supervisors, shall be the true names of the streets within the county.

(c) County initiated street names:

When the county becomes aware (through building permits or other information) that an unnamed street has three or more active residences or businesses on it, then the county shall advise the residences/businesses in writing that they may petition the board of supervisors to name their street. If the residences/businesses do not initiate a petition at this time, then the county may elect to wait until six or more residences are on the unnamed street. When the county becomes aware that an unnamed street has six or more residences on it, the the board of supervisors shall approve a street name and advise residents/businesses of their new address. Under county initiated street names, the cost of the streets signs and mapping changes shall be borne by the county.

(d) Citizen initiated street names:

Persons wishing to change an existing street name or persons wishing to name a street with less than three residences/businesses on it must provide the following to the county:

- 1. Petition signed by all residences/businesses on the street or if there are no residences/businesses on the street, then a petition signed by all abutting property owners.**
- 2. Payment in the amount set by resolution of the board of supervisors.**

The board of supervisors shall then consider and act on such petitions provided the name requested does not conflict with county policy.

Under citizen initiated street names, the cost of the street signs and mapping changes shall be borne by the persons requesting the change.

(e) New subdivisions:

New street names in subdivisions shall be approved by the board of supervisors as part of the final plat approval process. Prior to signing the final plat, the subdivider shall pay the county an amount set by the board of supervisors per intersection where a street sign will be erected.

With new subdivisions, the cost of the street signs and mapping changes shall be borne by the subdivider.

(f) Reserved street names

Where a street has not been named because it has less than three residences/businesses on it, but it is anticipated that it will have more residences/businesses in the near future, then a petition may be presented to the county signed by all residences/businesses on the street, then the petition shall be signed by all abutting property owners requesting that a particular name be reserved.

If the requested street does not conflict with county policy, then the name may be reserved by the board of supervisors for a period of up to one year. Extension of the street name reservation beyond the initial time period shall require a new board action.

R-FY-11-103
NRV EMERGENCY COMMUNICATIONS
REGIONAL AUTHORITY- JOINTLY APPOINT
L. ALLEN BOWMAN

On a motion by Doug Marrs, seconded by William H. Brown and carried unanimously,

WHEREAS, The Virginia General Assembly enacted the “New River Valley Emergency Communications Regional Authority Act” permitting the formation of the New River Valley Emergency Communications Regional Authority; and

WHEREAS, The Act provides for the appointment of five (5) persons to the Authority’s Board, one (1) from each participating political subdivision of the Authority, with the fifth member jointly appointed by the unanimous approval of the participating political subdivisions; and

WHEREAS, The jointly appointed member shall be appointed for an initial term of four (4) years; and

WHEREAS, The Authority Board recommends that L. Allen Bowman serve as the jointly appointed member for an initial four-year term expiring on March 31, 2015.

NOW, THEREFORE, BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the Board of Supervisors approves the appointment of **L. Allen Bowman** as the joint appointee to the **New River Valley Emergency Communications Regional Authority Board** effective immediately upon approval by the other participating political subdivisions for a four-year term expiring on March 31, 2015.

OLD BUSINESS

**R-FY-11-104
SPECIAL USE PERMIT
MARTIN INVESTMENTS (AGENT: DEWAYNE MARTIN)
FOR THE PURPOSE OF ALLOWING A
PRIVATE RECREATIONAL VEHICLE PARK AND CAMPGROUND
IN THE PRICES FORK MAGISTERIAL DISTRICT (DISTRICT E)
PARCEL ID 010426, TAX MAP NUMBER 035-7-1**

On a motion by William H. Brown, seconded by Gary D. Creed and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the request by **Martin Investments (Agent: Dewayne Martin)** for a special use permit to allow a private recreational vehicle park and campground is consistent with the County's Comprehensive Plan and is hereby **approved** with the following conditions:

1. This special use permit authorizes use of the property for a private recreational vehicle park and campground which shall not be open to the public and shall conform to the Concept Plan included within application materials submitted February 1, 2011.
2. No more than five (5) recreational vehicles and/or tents are allowed on site at any one time.
3. Recreational vehicles parked on site shall meet the following requirements per Section 10-37, Article VI, Definition.

Recreational vehicle- A vehicle which is:

- Built on a single chassis;
 - Four hundred (400) square feet or less when measured at the largest horizontal projection;
 - Designed to be self-propelled or permanently towable by a light duty truck; and,
 - Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational camping, travel, or seasonal use.
4. All recreational vehicles placed on site shall be on the site for fewer than one hundred eighty (180) consecutive days and be fully licensed and ready for highway use (a recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices and has no permanently attached additions) per Section 10-37((3.3)(e).
 5. A site plan shall be submitted for review and approval prior to use of the private recreational park and campground.

6. All required zoning permits, building permits and/or change of use and occupancy approvals, or any other required permits shall be obtained prior to use of the property as a recreational park and campground.
7. No off-site parking shall be allowed.
8. No trash, litter or debris shall accumulate or be stored on the property, other than what is typically found in a residential application. Trash, litter or debris shall be removed promptly to avoid scattering by foul or animals.
9. Any lighting installed on the property shall be dusk to dawn, shielded fixtures to avoid glare onto adjacent properties and night sky, and shall comply with Montgomery County Zoning Ordinance 10-46(9) Performance Standards.
10. Storage of all water sports equipment shall be screened from view of adjacent properties.

The property is located at 2611 Big Falls Road (SR 625) and is identified as Tax Parcel No. 035-7-1 (Acct # 010426) in the Prices Fork Magisterial District (District E). The property currently lies in an area designated as Rural in the 2025 Comprehensive Plan.

The vote on the foregoing resolution was as follows:

AYE

Doug Marrs
John A. Muffo
Gary D. Creed
Annette S. Perkins
William H. Brown
Mary W. Biggs
James D. Politis

NAY

None

**R-FY-11-105
RESOLUTION ADOPTING THE
SIX-YEAR SECONDARY ROAD
IMPROVEMENT PLAN FOR FY 2011/12-2016/17**

On a motion by Gary D. Creed, seconded by Mary W. Biggs and carried unanimously,

WHEREAS, The Board of Supervisors of Montgomery County, Virginia, in cooperation with representatives of the Virginia Department of Transportation, have prepared a proposed Six-Year Plan for Montgomery County listing improvements proposed on the State Secondary Highway System in Montgomery County for which funds are to be budgeted in fiscal years 2011/12-2016/17; and

WHEREAS, A duly advertised public hearing was conducted at the Montgomery County Government Center in Christiansburg, Virginia at 7:15 p.m. on Monday, March 14, 2011 for the purpose of informing interested citizens of the proposed Six-Year Plan for soliciting public input into the planning process in accordance with Section 33.1-70.01 of the Code of Virginia of 1950, as amended; and

WHEREAS, This Board has given due consideration to such input and other factors pertaining to improvements of the State Secondary Highway System in Montgomery County.

NOW, THEREFORE, BE IT RESOLVED, The Board of Supervisors of Montgomery County, Virginia hereby approves the Six-Year Plan for Improvement of the State Secondary Highway System in Montgomery County for fiscal years, 2011/12-2016/17 as shown below:

MONTGOMERY COUNTY
Secondary Six Year Plan
(2011/12 through 2016/17)

<u>Priority</u>	<u>Route #</u>	<u>Road Name</u>	<u>From: To:</u>	<u>Description</u>
0	VAR	VAR	----	Countywide
1	639	Mt. Pleasant Road	From 0.05 mi. W. Rte. 722 to 1.24 mi. E. Rte. 722	Reconstruct
2	606	Sidney Church Road	From Rte. 669 to Rte. 673	Reconstruct
3	600	Piney Woods Road	From Rte. 787 to Rte. 672	Reconstruct
4	639	Mt. Pleasant Road	Bridge over Elliott Creek	Reconstruct
5	643	Yellow Sulphur Road	From 1.0 mi. N. C'Burg to Rte. 642	Reconstruct
6	621	Craig Creek Road	From 7.5 mi. E. Rte. 460 to Craig Co. Line	Reconstruct
7	639	Mt. Pleasant Road	From 0.05 mi W. Rte 722 to 0.07 mi E. Rte 742	Reconstruct

BE IT FURTHER RESOLVED, That adoption of this plan also establishes priorities for preparation of the annual budget for the fiscal year 2011-2012 by the Virginia Department of Transportation Residency Administrator.

The vote on the foregoing resolution was as follows:

<u>AYE</u>	<u>NAY</u>
John A. Muffo	None
Gary D. Creed	
Annette S. Perkins	
William H. Brown	
Mary W. Biggs	
Doug Marrs	
James D. Politis	

NEW BUSINESS

R-FY-11-106 RESOLUTION SETTING THE REAL ESTATE TAX RATE

On a motion by Mary W. Biggs, seconded by John A. Muffo and carried,

BE IT RESOLVED, The Board of Supervisors of the County of Montgomery, Virginia hereby sets the real estate tax rate at **75 ¢ per \$100** of the assessed valuation of real estate based on 100% of fair market value.

BE IT FURTHER RESOLVED, That the Commissioner of Revenue of Montgomery County, Virginia be, and she is hereby ordered to levy, beginning January 1, 2011 and ending December 31, 2011 the sum of **75 ¢ per \$100** of the assessed valuation of real estate based on 100% of fair market value.

FURTHER, The Commissioner of Revenue is instructed to levy for said period other property taxes as follows:

<u>Category</u>	<u>Tax Rate Per \$100 of Assessed Valuation</u>
Tangible Personal Property	\$2.45
Machinery and Tools	\$1.82
Merchants Capital	\$3.05

FURTHER, That the Treasurer of Montgomery County, Virginia is hereby directed to collect the taxes so assessed, and the Clerk of the Board shall forward a copy of this order to said Commissioner of Revenue and the Treasurer.

The vote on the foregoing resolution was as follows:

AYE

Annette S. Perkins
William H. Brown
Mary W. Biggs
John A. Muffo

NAY

Gary D. Creed
Doug Marrs
James D. Politis

R-FY-11-107
RESOLUTION ADOPTING
THE FY 2011-2012 BUDGET

On a motion by John A. Muffo, seconded by William H. Brown and carried,

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the Annual Budget for Fiscal Year 2011-2012 be and the same is adopted in the amount of **\$155,399,134** which except in the case of the public school budget, shall be for informative and fiscal planning purposes only.

The vote on the foregoing resolution was as follows:

AYE

Annette S. Perkins
William H. Brown
Mary W. Biggs
John A. Muffo

NAY

Gary D. Creed
Doug Marrs
James D. Politis

Statement of No Conflict – Supervisor Biggs

Supervisors Biggs stated that being an employee of the Montgomery County Public School System, she has no conflict of interest by voting for the FY 11-12 Budget for Montgomery County. Even though the MCPS budget allocation is included in the budget she has no control over the distribution of funds within the school system.

R-FY-11-108
RESOLUTION OF APPRECIATION
AGENCY ON AGING
ELIZABETH H. DOYLE

On a motion by William H. Brown, seconded by Mary W. Biggs and carried unanimously,

WHEREAS, Elizabeth H. Doyle has served as the alternate member on the Agency on Aging Board since October 2006; and

WHEREAS, The County recognizes the outstanding and dedicated service that ***Elizabeth H. Doyle*** has rendered the citizens of Montgomery County.

NOW, THEREFORE, BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the Board of Supervisors, on behalf of the entire citizenship, extends a unanimous vote of appreciation and gratitude to ***Elizabeth H. Doyle.***

BE IT FURTHER RESOLVED, That the original of this resolution be presented to ***Elizabeth H. Doyle*** and that a copy be made a part of the official Minutes of Montgomery County.

The vote on the foregoing resolution was as follows:

<u>AYE</u>	<u>NAY</u>
William H. Brown	None
Mary W. Biggs	
Doug Marrs	
John A. Muffo	
Gary D. Creed	
Annette S. Perkins	
James D. Politis	

COUNTY ADMINISTRATORS REPORT

The County Administrator reported on the following:

- Tornado in Pulaski: Contacted the Pulaski County Administrator to offer Montgomery County's help during their time of need.
- Public Safety Building: Interviewed four firms for the A&E Services for the Public Safety Building. In the process of negotiating a price and hope to award the contract soon.
- Six-Year Primary & Interstate Road Plan Public Hearing is scheduled for May 12, 2011 in Salem.

BOARD OF SUPERVISORS' REPORTS

Supervisor Biggs attended the School Board meeting. The School Board discussed requesting \$88,000 to be used for redistricting school boundaries for all schools in the county. The last boundary change was made in 1993 when Kipps Elementary School was constructed. School Board members felt that with all the new school construction, new housing developments, population shifts, and potential growth, there is a need to update attendance boundaries.

Supervisor Biggs stated that several School Board members requested that the Superintendent contact Virginia Tech to see if they would be willing to conduct the study.

Supervisor Biggs also commented that the Montgomery County budget process is not an easy process. The Board of Supervisors constantly meets with state representatives to try to get more funding for localities and not to pass anymore unfunded state mandates down. She believes that there needs to be more citizen participation at the state level.

Brain Injury Services of Southwest Virginia: Supervisor Biggs requested a resolution be included on the next agenda allocating \$800.00 to the Brain Injury Services of Southwest

Virginia. Montgomery County had allocated funding to them the past several years. She believes this is a valuable service to the citizens of Montgomery County.

Supervisor Muffo asked for an update on the old Blacksburg Middle School demolition. The County Administrator replied that \$325,000 was approved earlier tonight in the Consent Agenda for the demolition project. Bids were received last week and they hope to award the contract within the next two weeks.

ADJOURNMENT

On a motion by Gary D. Creed, seconded by Mary W. Biggs and carried unanimously, the Board adjourned to Monday, April 25, 2011 at 6:00 p.m.

The vote on the foregoing motion was as follows:

<u>AYE</u>	<u>NAY</u>
Mary W. Biggs	None
Doug Marrs	
John A. Muffo	
William H. Brown	
Annette S. Perkins	
Gary D. Creed	
James D. Politis	

The meeting adjourned at 8:40 p.m.

APPROVED: _____	ATTEST: _____
James D. Politis Chair, Board of Supervisors	F. Craig Meadows County Administrator